

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

LEKMUEL IGNACIO QUIJANO §
VS. § CIVIL ACTION NO. 9:15cv73
CHRIS DANIEL §

MEMORANDUM OPINION AND ORDER

Plaintiff Lekmuel Ignacio Quijano, an inmate confined in the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against Chris Daniel. The defendant is the district clerk of Harris County, Texas. Plaintiff alleges the defendant has denied him access to the courts.

Analysis

The Civil Rights Act, 42 U.S.C. § 1981, *et. seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973). When, as in this case, jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1391 provides that venue is proper only in the judicial district where the defendant resides or in which the claim arose.

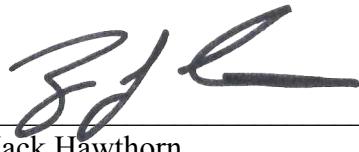
The actions allegedly taken by the defendant occurred in Harris County. As a result, plaintiff's claims arose in Harris County. In addition, the defendant appears to reside in Harris County. Pursuant to 28 U.S.C. § 124, Harris County is located in the Houston Division of the United States District Court for the Southern District of Texas. As a result, venue is not proper in this court.

When a case is filed in the wrong district or division, the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). As the proper venue for this action is the Southern District of Texas, this matter should be transferred to the Southern District.

ORDER

For the reasons set forth above, it is **ORDERED** that this case is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 2nd day of June, 2015.



Zack Hawthorn
United States Magistrate Judge